

REMARKS

Claims 1-25 are all the claims pending in the application. Claims 1-13 and 19-21 are rejected. Claims 1 and 3-25 are amended. Claim 2 is cancelled and its content inserted into claim 1, thereby retaining the original scope of claim 2. Claims 14-18 and 22-25 are withdrawn from consideration but have been amended to remove reference characters.

Election/Restrictions

The Examiner acknowledges Applicant's election with traverse of Invention of Group I, Species I: Figs. 1-3 in the reply filed on 3/11/08. The traversal is on the ground(s) that claim 1 is generic. The Examiner finds this traversal persuasive, and now holds only claims 14-18 and 22-25, directed to the non-elected invention, to be withdrawn from further consideration.

The requirement is still deemed proper and is therefore made FINAL. Applicants will not petition from this holding but reserve all rights under 35 U.S.C. §121 to file a divisional application thereon if the claims are not found allowable on the basis of the allowability of their parent claims.

Information Disclosure Statement

The Examiner asserts that the information disclosure statement filed 3/7/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. The Examiner has placed the IDS in the application file, but the information referred to therein with respect to the foreign patent document has not been considered.

Applicants are submitting concurrently with this amendment a copy of the inadvertently omitted foreign document.

Specification

The abstract of the disclosure is objected to because it should not contain legal phraseology often used in patent claims, such as "means" and "said." Correction is required and has been made.

Claim Rejections - 35 USC § 102

Claims 1-3, 5-12, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (US Patent 5,970,527). This rejection is traversed for at least the following reasons.

Martin

The Examiner asserts that Martin discloses a flushing device as claimed, wherein either a partial flushing process or full flushing process can be carried out. Specifically, the Examiner looks to structure that corresponds to a power-loaded part (116) which, in the event of a partial flushing process, moves a valve member (about 108) of an evacuation fitting (16) and, as a result, the flushing process is prematurely interrupted, the power-loaded part (116) being displaceable in the evacuation fitting. The Examiner asserts that there is a control means (26) operable in the event of a partial flushing process to automatically interrupt the flushing process, based on a level sensor (about B) which interrupts the flushing process when a predetermined level of the flushing water is reached.

Claim 1

Claim 1 has been amended and now provides that the flushing device has a ***power-loaded part***. In the event of a full flushing, the ***power-loaded part*** remains in an inoperative position. In the event of a partial flushing process, the ***power-loaded part*** moves a valve member of an evacuation fitting and, as a result, the flushing process is prematurely interrupted. These added features are structural and clearly define over Martin.

Applicants respectfully submit that the water closet disclosed in Martin is not able to carry out a partial flushing process, in the manner and with the structure as claimed. Specifically, Martin does not disclose a ***power-loaded part*** which is operative to move a valve member to prematurely interrupt a flushing process.

Applicants respectfully submit that this amendment simply places claim 2 into independent form and affirmatively recites certain structures in original claim 2, and thus does not change the scope of claim 2. Thus, any further rejection on the basis of 35 U.S.C. § 103 would necessitate a non-final action.

Claim Rejections - 35 USC § 103

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (as discussed above) in view of Fish (US Patent 6,550,076). This rejection is traversed for at least the following reasons.

The Examiner admits that the power-loaded part of Martin is not spring-loaded in the inoperative position as claimed. The Examiner looks to Fish for a disclosure of a device having a power-loaded part (30) that is spring-loaded in the inoperative position (see Fig. 3).

Fish merely discloses a pressure flushing system. Like Martin, this system is not able to carry out a partial flushing using structure as claimed.

Thus, claim 4 would be patentable because Fish does not remedy the deficiencies of Martin, as identified with regard to parent claim 1.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (as discussed above) in view of US Patent 5,881,399 (hereinafter Kartoleksono). This rejection is traversed for at least the following reasons.

The Examiner admits that Martin does not show at least two buttons actuating device as claimed. The Examiner looks to Kartoleksono for a toilet flushing device having at least two buttons (11, 13).

Kartoleksono discloses a water closet with two independent flush wells. This water closet does not disclose a pressurized chamber. Further Kartoleksono does not disclose a power-loaded part which would enable to prematurely interrupt a flushing.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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